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|--|--------------|--------------------|
| Application No. 00 925 757.7 - 2107 | Ref. P181 | Date 29.10.2003 |
| Applicant Diatranz Limited | | |

Communication pursuant to Article 96(2) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 96(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).



DIDELO F P
 Primary Examiner
 for the Examining Division

Enclosure(s): 1 page/s reasons (Form 2906)



Bescheid/Protokoll (Anlage)

Communication/Minutes (Annex)

Notification/Procès-verbal (Annexe)

Datum
Date

29.10.2003

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Sheet
Feuille

1

Anmelde-Nr.:
Application No.: 00 925 757.7
Demande n°:

The examination is being carried out on the following application documents:

Text for the Contracting States:

AT BE CH LI CY DE DK ES FI FR GB GR IE IT LU MC NL PT SE

Description, pages:

1-15 as originally filed

Claims, No.:

1-14 as originally filed

Drawings, sheets:

1/2-2/2 as originally filed

1. An International preliminary examination report has already been drawn up for the present application in accordance with the PCT. The deficiencies mentioned in that report give rise to objections under the corresponding provisions of the EPC.
2. To meet the requirements of Rule 27(1)(b) EPC, documents D1 and D2 should be identified in the description and the relevant background art disclosed therein should be briefly discussed.
3. The applicant is asked to overcome the above mentioned objections by suitable amendments or explanations where possible. When filing amended claims, the applicant should at the same time bring the description into conformity with the amended claims. Care should be taken during revision not to add subject-matter which extends beyond the content of the application as originally filed (Article 123(2) EPC).



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|--|--------------|--------------------|
| Application No. 00 925 757.7 - 2406 | Ref. P181 | Date 01.04.2005 |
| Applicant Diatranz Limited | | |

Communication pursuant to Article 96(2) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).



Didalon, F
 Primary Examiner
 for the Examining Division

Enclosure(s): 3 pages reasons (Form 2908)



Bescheid/Protokoll (Anlage)

Communication/Minutes (Annex)

Notification/Procès-verbal (Annexe)

Datum
Date 01.04.2005

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Sheet 1
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Anmelde-Nr.:
Application No.: 00 925 757.7
Demande n°:

The examination is being carried out on the following application documents:

The examination is being carried out on the following application documents:

Description, Pages

1, 2, 9-15 as originally filed

3-8 received on 06.05.2004 with letter of 27.04.2004

Claims, Numbers

1-21 received on 05.03.2005 with letter of 01.03.2005

Drawings, Sheets

1/2-2/2 as originally filed

1. The amendments received on 05.03.2005 with letter dated 01.03.2005 are acknowledged. The examiner welcomes the deletion of method claims. However some of the modifications are not considered to be allowable:

The wording "capable of" in place of "adapted for" inserted in claims 2, 4, 5 and 7 does not find any basis in the application as originally filed.

Some of the diseases now included in the scope of claims are not included in the original scope. Epilepsy is not considered to be within the original scope since it is only cited in the introductory part page 1, line 12. Moreover, the diseases motor neurone disease, amyotrophic lateral sclerosis, Menkes Kinky Hair Syndrome, Wilson's disease and trauma are not cited at all in the application as filed, thus



Bescheld/Protocol (Anlegse)

Communication/Minutes (Annex)

Notification/Procès-verbal (Annexe)

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Application No.: 00 925 757.7
Demande n°:

introducing new subject-matter contrary to Article 123(2) EPC.

2. Novelty:

Claims 1 and 6, 7 are not considered as novel since the wording "implant" does specify the intended use of the isolated choroid plexus cells, but cannot render the cells as such novel, since D1 discloses the isolation of choroid plexus cells before they are put in culture to be immortalized.

In addition claims 8-11 cannot be considered as novel either since an intended use does not characterize said cells.

However the use of such live choroid plexus cells for treating neurological disorders (claims 12-17) as well as the encapsulated cells (claims 2-5) and corresponding devices of claims 18-21 are acknowledged to be novel.

3. Inventive step:

Although formally novel, an effect as to the use of isolated and living choroid plexus cells in the treatment of neurological conditions with respect to the use of the immortalized cells for the same purposes of the prior art D1 is not demonstrated in the present application, thus throwing doubts on the contribution of the present application which is thus considered to lack an inventive step in the sense of Article 56 EPC.

In order to support an inventive contribution of the present application, the applicant is urged to provide experimental results in favour of the use of choroid plexus living cells and their trophic activity.

4. The applicant is asked to overcome the above mentioned objections by suitable amendments or explanations where possible. When filing amended claims, the applicant should at the same time bring the description into conformity with the amended claims.



Beauchef/Protokoll (Anlage)

Communication/Minutes (Annex)

Notification/Procès-verbal (Annexe)

Datum
Date 01.04.2005
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Application No.: 00 925 757.7
Demande n°:

In particular, references to methods of treatment should be deleted.
Care should be taken during revision not to add subject-matter which extends beyond the content of the application as originally filed (Article 123(2) EPC) and to specify the basis for the amendments in the original application.